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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

JERRY VAUGHN and THERESA
 TRAVERS,

Plaintiffs,

v.

BAY ENVIRONMENTAL MANAGEMENT
 INC., CAESAR NUTI, DENNIS VARNI,
 MARIO AQUILINO, LOYD BONFANTE
 SR., JOSEPH DELLA ZOPPA, ESTATE OF
 RICHARD GRANZELLA SR., EDWARD
 MENOSSE, PASQUALE PARENTI, FSC
 SECURITIES CORPORATION, and
 JERROLD N. WEINBERG,

Defendants.

FSC SECURITIES CORPORATION and
 JERROLD N. WEINBERG,

Cross-Claimants,

v.

BAY ENVIRONMENTAL MANAGEMENT
 INC., ESTATE OF PINA J. BARBIERI,
 CAESAR NUTI, and DENNIS VARNI,

Cross-Defendants.

Case No. C03-5725 (SC)

**STIPULATION AND ~~[PROPOSED]~~
 ORDER VACATING PRETRIAL
 CONFERENCE AND TRIAL;
 STIPULATED REQUEST FOR ORDER
 CHANGING TIME AND ~~[PROPOSED]~~
 ORDER THEREON**

1 WHEREAS, the pretrial conference in this matter is set for September 3, 2010, and the
2 trial is set for September 7, 2010 (Docket No. 148); and

3 WHEREAS, as set forth in the letter and attached term sheet filed July 30, 2010 (Docket
4 No. 206), the parties hereto have agreed to a proposed settlement of this certified class action;
5 and

6 WHEREAS, the parties expect to finalize their settlement agreement no later than
7 August 18, 2010, Plaintiffs expect to file their unopposed motion for preliminary approval of the
8 settlement no later than August 20, 2010, and Defendants expect to file their notices of
9 nonopposition upon the filing of the unopposed motion; and

10 WHEREAS, no further briefing on preliminary approval will be submitted absent a
11 request by the Court for additional briefing;

12 NOW, THEREFORE, the parties hereby jointly request as follows:

- 13 1. That the pretrial conference and trial date be vacated; and
14 2. That in view of the unopposed nature of the motion, the time for hearing the
15 motion for preliminary approval be shortened and the hearing be set for September 3, 2010, at
16 10:00 a.m.

17 SO STIPULATED:

18
19 Dated: August 6, 2010

LEWIS, FEINBERG, LEE,
RENAKER & JACKSON, P.C.

20 By: /s/ Teresa S. Renaker
21 Teresa S. Renaker
22 Attorneys for Plaintiffs

23 Dated: August 6, 2010

MORGAN, LEWIS, & BOCKIUS LLP

24 By: /s/ Nicole Diller
25 Nicole Diller
26 Attorneys for Defendants Bay
27 Environmental Management Inc., Caesar
28 Nuti, Dennis Varni, Mario Aquilino, Loyd
Bonfante Sr., Joseph Della Zoppa, Estate of
Richard Granzella Sr., Edward Menosse,
and Pasquale Parenti

1 Dated: August 6, 2010

WILSON ELSEER MOSKOWITZ
EDELMAN & DICKER LLP

2
3 By: /s/ Bernard Gehlhar
Bernard Gehlhar
4 Attorneys for Defendants FSC Securities
Corporation and Jerrold N. Weinberg

5
6 **ATTESTATION**

7 Pursuant to General Order 45(X), I attest that concurrence in the filing of this document
8 has been obtained from each of the other signatories.

9 Dated: August 6, 2010

/s/ Teresa S. Renaker
Teresa S. Renaker

10
11 **[PROPOSED] ORDER**

12 Pursuant to stipulation, the Court hereby ORDERS as follows:

13 1. The pretrial conference date of September 3, 2010, and the trial date of
14 September 7, 2010, are hereby VACATED;

15 2. The parties' stipulated request for an order shortening time is hereby GRANTED
16 and the hearing on the motion for preliminary approval of the class action settlement in this
17 matter is hereby set for September 3, 2010.

18 IT IS SO ORDERED.

19 Dated: August 9, 2010

